

3. Authority for granting prevailing Defendants attorney fees and costs is set out in 42 U.S.C. § 1988, in that Plaintiffs' original and first amended complaints have now been determined to be frivolous, unreasonable, and without foundation or merit. *Christiansburg Garment Co. v. Equal Opportunity Commission*, 434 U.S. 412, 422 (1978; accord: *Hughes v. Rowe*, 449 U.S. 5 (1980). See also *Canady v. Bossier Parish School Board*, 240 F. 3d 437 (5th Cir., 2001).

4. Attached hereto and incorporated by reference is these Defendants' affidavit for attorney fees and costs.

WHEREFORE PREMISES CONSIDERED, Defendants Gaye Lokey and Sissy McInnis pray that, based on the Court's findings and conclusions in its Order signed October 7, 2009, in which Defendants Gaye Lokey and Sissy McInnis were determined to have prevailed, and that Plaintiffs' claims against these defendants are frivolous, unreasonable, and without foundation or merit, that they each of them be awarded reasonable attorney fees and costs of court from these Plaintiffs in the amounts indicated in the attached affidavit.

Respectfully submitted,

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By: /s/ John W. Newton, III

John W. Newton III
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ATTORNEY FOR DEFENDANTS
GAYE LOKEY AND SISSY MCINNIS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was properly mailed to all counsel of record by:

___ United States Mail, postage prepaid and sealed;

___ United States Certified Mail, return receipt requested;

___ hand-delivery;

___ Federal Express;

___ facsimile;

x eFile

on this the 3rd day of November, 2009.

/s/ John W. Newton, III

John W. Newton III